

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 08 CR 49-2
v.)	
)	Judge Charles R. Norgle
HEIDI KUNZ)	

MOTION TO WITHDRAW AND APPOINT NEW COUNSEL

The Federal Defender Program and its attorney, HELEN J. KIM, hereby moves to withdraw as appointed counsel for the defendant, HEIDI KUNZ, in the above-captioned case, and appoint new counsel in her stead. In further support of this request, we state the following:

1. The Federal Defender Program, through undersigned counsel, was appointed to represent HEIDI KUNZ at the time of her arraignment and plea scheduled before this Court on February 15, 2008.

2. On the day Ms. Kunz was arraigned, she entered a plea of not guilty to the indictment. That indictment charges her with three counts of bank robbery, in violation of Title 18 U.S.C. § 2113(a); and three counts of having a gun in relation to those robberies, in violation of Title 18 U.S.C. § 924(c).

3. Ms. Kunz's charges are obviously serious: there is a maximum penalty of life, but a *minimum* penalty of 25 years if she is found guilty of more than one § 924(c)

charge.

4. It now appears that an irreconcilable conflict of interest has arisen between defense counsel and Ms. Kunz. Accordingly, we respectfully request that presently appointed counsel be allowed to withdraw from representation of Ms. Kunz, and a panel attorney be allowed to file an appearance instead.

5. While the attorney-client privilege is intact and results in defense counsel's inability to describe the exact conflict in this case, it does appear that the attorney-client relationship between Ms. Kunz and undersigned defense counsel has been severely compromised. As Ms. Kunz indicated in open court on March 21, 2008, she does not desire undersigned counsel to remain on the case. Additionally, however, defense counsel did speak with Ms. Kunz after the court hearing to discuss her desire for a new attorney, and it now appears that the conflict of interest does appear to directly impede counsel's ability to render effective assistance to Ms. Kunz.

6. The case is presently in a posture where, if the Court should grant the motion, any change in attorneys would cause the least amount of detriment to the Court's time or delay the case unnecessarily as discovery was recently tendered, the case has not yet been set for a trial or a change of plea, and Ms. Kunz is still reviewing the discovery for herself while in Kankakee County Jail.

WHEREFORE, and for the reasons stated, we respectfully ask the Court to grant this motion and order the appointment of a panel attorney for Heidi Kunz.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: s/ Helen J. Kim

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CERTIFICATE OF SERVICE

The undersigned, Helen J. Kim, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CIV.P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

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was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on March 21, 2008, to counsel/parties that are non-ECF filers.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

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